

## **NOTICE AND AGENDA**

**SUNNYVALE CITY COUNCIL  
TUESDAY, MAY 13, 2008  
COUNCIL CHAMBERS, 456 W. OLIVE AVE.  
SUNNYVALE, CALIFORNIA**

<b>5 P.M. SPECIAL COUNCIL MEETING (Closed Session)</b>
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City Council Closed Session

1. Call to Order in the West Conference Room (Open to the Public)
2. Roll Call
3. Convene to Closed Session – *The public may provide comments regarding the Closed Session item(s) just prior to the Council beginning the Closed Session. Closed Sessions are not open to the public.*
  - **Conference with Labor Negotiators pursuant to Government Code 54987.6.**  
**Negotiator:** Erwin Young, Director of Human Resources. **Employee Organizations:** Sunnyvale Employees Association (SEA), and Service Employees International Union (SEIU) Local 715 (part-time employees)
  - **Conference with Real Property Negotiators (Government code 54956.8)**  
**Property:** Fair Oaks Health Clinic site at Garland & Fair Oaks  
**Agency Negotiator:** Amy Chan, City Manager  
**Negotiating parties:** Patrick Love for the County of Santa Clara  
**Under negotiation:** price, terms of payment
4. Adjourn Special Meeting

### **7 P.M. REGULAR MEETING**

#### **SALUTE TO THE FLAG**

#### **ROLL CALL**

*(Per Council Policy, the City Council will not begin consideration of any agenda item after 11:30 p.m. without a vote. Any item on the agenda which must be continued due to the late hour shall be continued to a date certain and will be placed at the beginning of the public hearings/general business portion of the ensuing agenda. At approximately 9:30 p.m., Council will make an announcement indicating that items may not be heard after 11:30 p.m. Information provided herein could be subject to change from date of printing of the agenda to the date of the meeting.)*

#### **CLOSED SESSION REPORT FOR MAY 13, 2008**

Conference with Labor Negotiators pursuant to Government Code 54987.6. Negotiator: Erwin Young, Director of Human Resources. Employee Organizations: Sunnyvale Employees Association (SEA), and Service Employees International Union (SEIU) Local 715 (part-time employees)

**CLOSED SESSION REPORT FOR MAY 13, 2008**

Conference with Real Property Negotiators (Government code 54956.8), Property: Fair Oaks Health Clinic site at Garland & Fair Oaks Agency Negotiator: Amy Chan, City Manager  
Negotiating parties: Patrick Love for the County of Santa Clara, Under negotiation: price, terms of payment

**SPECIAL ORDER OF THE DAY – Recognition of the Volunteer Center of Silicon Valley**

**SPECIAL ORDER OF THE DAY – State of the District Presentation by Fremont High School District**

**PUBLIC ANNOUNCEMENTS**

*Each speaker is limited to three minutes for announcements of community events, programs, or recognition.*

**PRESENTATION – National Volunteer Month/Proclamation from the City of Sunnyvale**

**CONSENT CALENDAR**

- |      |        |  |
|------|--------|--|
| 1.A. | MOTION | Approval of Draft Minutes of April 22, 2008                        |
| 1.B. | MOTION | Approval of Draft Minutes of May 6, 2008                           |
| 1.C. | MOTION | Approval of Information/Action Items – Council Directions to Staff |

**Fiscal Items**

- |      |            |  |
|------|------------|--|
| 1.D. | MOTION     | List of Claims and Bills Approved for Payment by the City Manager – List |
|      | RTC 08–152 | No. 400  |

Staff Recommendation: Council reviews the attached lists of bills.

Staff Contact: Karen Theriault, (408) 730-7418

- |      |            |   |
|------|------------|---|
| 1.E. | MOTION     | Request Approval to Purchase Below Market Rate (BMR) Ownership                            |
|      | RTC 08–155 | Property at: 595 Blackwood Terrace, Sunnyvale, and Approval of Budget Modification No. 54 |

Staff Recommendation: Council approves budget modification to appropriate funds of \$166,237 for the purchase, rehabilitation costs, ongoing monthly costs and associated fees related to the acquisition and resale of 595 Blackwood Terrace, Sunnyvale.

Staff Contact: Ernie DeFrenchi, (408) 730-2784

**Personnel Items**

- |      |            |   |
|------|------------|---|
| 1.F. | RESOLUTION | Amendment to the Classification Plan and Salary Resolution to Add the |
|      | MOTION     | Newly-Established Classifications of Mail Clerk and Senior Plan Check |
|      | RTC 08–159 | Engineer  |

Staff Recommendation: Council adopts a Resolution to amend the City's Classification Plan and Salary Resolution to add the newly-established classifications of Mail Clerk and Senior Plan Check Engineer.

Staff Contact: Karen Woblesky, (408) 730-2715

- 1.G. MOTION Approval of Contract for Third Party Workers' Compensation  
RTC 08-150 Administration Services

Staff Recommendation: Council authorizes a two-year contract in substantially the same form as the attached Agreement and in an amount not to exceed \$257,500 for FY 08/09, and \$263,938 for FY 09/10, to Gregory B. Bragg & Associates to provide workers' compensation claims administration services with the option that the City reserves the right to reduce the claims administration fee for FY 2009/2010, based upon the number of open indemnity claims at the conclusion of FY 2008/2009. The fee for additional services, as referenced in this report, shall remain at \$5,000 for FY 2008/2009 and FY 2009/2010.

Staff Contact: Dee Schabot, (408) 730-7534

### **Contracts**

- 1.H. MOTION Award of Bid No. F0703-83 to Remove and Replace 200 Theater Seats  
RTC 08-145

Staff Recommendation: Council awards a purchase order, in substantially the same form as the attached draft and in the amount of \$56,421.26 to Krueger International Incorporated, to remove and replace 200 theater seats.

Staff Contact: Karen Theriault, (408) 730-7418

- 1.I. MOTION Award of Bid No. F0703-80 for the Installation of Curb Ramps  
RTC 08-151

Staff Recommendation:

- Council awards a contract, in substantially the same form as the attached draft and in the amount of \$82,110, to Spencon Construction for the installation of curb ramps; and
- Council approves a project contingency in the amount of \$12,317.

Staff Contact: Karen Theriault, (408) 730-7418

### **Other Items**

- 1.J. MOTION Amendments to Countywide AB 939 Fee and Household Hazardous  
RTC 08-136 Waste Agreements for FY 2008/09

Staff Recommendation: Council authorizes the City Manager to execute the proposed amendments to the Agency Agreement for Countywide AB 939 Fee and the Agency Agreement for Countywide Household Hazardous Waste Collection Program (with an augmentation amount of \$180,000) and continues to delegate to the City Manager the authority to approve an increase of up to 20% (\$36,000) in the City's augmentation amount.

Staff Contact: Mark Bowers, (408) 730-7421

### **STAFF RESPONSES TO PRIOR PUBLIC COMMENTS**

*Staff may provide further information or clarification for the community's benefit in response to public comments made at previous Council meetings. Staff will not necessarily respond to all public comments*

### **PUBLIC COMMENTS**

*This category is limited to 15 minutes (may be extended or continued after the public hearings/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by*

*Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the City Clerk. Individuals are limited to one appearance during this section.*

### **PUBLIC HEARINGS/GENERAL BUSINESS**

*If you wish to speak to a public hearings/general business item, please fill out a speaker card and give it to the city clerk. You will be recognized at the time the item is being considered by Council. **Each speaker is limited to a maximum of three minutes. For land-use items, applicants are limited to a maximum of 10 minutes for opening comments and 10 minutes for closing comments.***

2. MOTION Consider Approval of FY 2008/09 Action Plan: Recommendations for  
RTC 08–157 Funding of Community Development Block Grant (CDBG) and HOME  
Funds

Staff Recommendation: Council approves the action plan of FY 2008/09 and appropriates \$1,962,508 in CDBG funds and \$1,267,917 in HOME funds.

Staff Contact: Katrina Ardina, (408) 730-7451

3. MOTION Roadway Reconfiguration Guidelines for Retrofitting Streets with Bike  
RTC 08–140 Lanes (Originally Titled *Policy for Allocation of Street Space*) – Study  
Issue. Revised Policy Recommendation

Staff Recommendation: Council adopts the policy on allocation of street space as described in Attachment B, and directs staff to develop action strategies for improving engagement of the bicycling community when developing bicycle improvement projects, consistent with Community Engagement Sub-Element policy.

Staff Contact: Jack Witthaus, (408) 730-7330

4. MOTION Review and Approval of the Position Profile for the New Sunnyvale City  
RTC 08–154 Manager

Staff Recommendation: Council reviews, provides input and approves the position profile for the new Sunnyvale City Manager developed by Mr. Avery and reviewed by the City Council Subcommittee.

Staff Contact: Erwin Young, (408) 730-7490

5. MOTION 2007-0065 – Applicant appeal of a decision of the Planning Commission  
RTC 08–132 to deny an application for 688 Conway Road (near Hollenbeck Avenue)  
in an R-2 (Low-Medium Density Residential) Zoning District. Design  
Review to allow a new two-story single family residence for a total of  
3,448 square feet and 62.9% FAR (Floor Area Ratio) where 45% FAR  
may be allowed without Planning Commission review.

Staff Recommendation: Council denies the appeal, and upholds the decision of the Planning Commission to deny the Design Review.

Staff Contact: Noren Caliva, (408) 730-7637

6. MOTION Council Intergovernmental Committee Appointment to the Water  
RTC 08–158 Emergency Transportation Authority Citizen Advisory Committee

Staff Recommendation: Council appoints a Councilmember and alternate to the Water Emergency Transportation Authority Citizen Advisory Committee

Staff Contact: Yvette Agredano, (408) 730-7536

### **NON-AGENDA ITEMS & COMMENTS**

- Council
- Staff

### **INFORMATION ONLY REPORTS/ITEMS**

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of the Board of Library Trustees Meeting of May 5, 2008
- RTC 08-153 Opportunity for Council to Appeal Decisions of the Planning Commission Meeting of April 28, 2008 and the Administrative Hearing of April 30, 2008
- Study Session Summary – Boards and Commissions Update of May 6, 2008
- Draft Minutes of the Boards and Commissions Interviews of April 30, 2008
- Draft Minutes of the Boards and Commissions Interviews of May 1, 2008
- Draft Minutes of the Boards and Commissions Interviews of May 5, 2008

### **ADJOURNMENT**

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#### **Notice to the Public:**

The agenda reports to council (RTC's) may be viewed on the City's Web site at <http://sunnyvale.ca.gov> after 7 p.m. on Thursdays or at the Sunnyvale Public Library, 665 W. Olive Ave. as of Fridays prior to Tuesday City Council meetings. Please contact the Office of the City Clerk at (408) 730-7483 for specific questions regarding the agenda.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the public hearing or presented in writing to the Office of the City Clerk at or before the public hearing. PLEASE TAKE FURTHER NOTICE that Code of Civil Procedure section 1094.6 imposes a 90-day deadline for the filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure 1094.5.

Pursuant to the Americans with Disabilities Act, if you need special assistance in this meeting, please contact the Office of the City Clerk at (408) 730-7483. Notification of 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. (29 CFR 35.104 ADA Title II).

## **GUIDELINES FOR ADDRESSING THE CITY COUNCIL**

### **Public Announcement – Beginning of Council Meeting**

- Three minutes or less per speaker.
- Speakers are requested to give their name (address is optional).
- Recognition of a special achievement.
- Announcement of public event with definite time and date.
- Public events that are of community-wide interest that occur on an annual basis. (only announce one time).

### **Public Hearing – Order of Hearing as Follows:**

- Opening remarks by the applicant (if applicable) are limited to 10 minutes.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Anyone interested in addressing the Council (may only speak one time).
- Closing remarks by the applicant (if applicable) are limited to 10 minutes.
- Time limit of three minutes per person (may be extended at discretion of mayor). Please make comments brief and be prepared to provide new input.

### **Public Comments**

- Any item relevant to the City of Sunnyvale.
- Speakers are requested to give their name (address is optional).
- Speakers are to turn in a speaker card to the city clerk.
- Items not on the agenda.
- Items that do not fall within the scope of the public announcement section.
- This category is limited to 15 minutes (may be extended or continued after the public hearing/general business section of the agenda at the discretion of the mayor) with a **maximum of three minutes per speaker**. If your subject is **not** on this evening's agenda, you will be recognized at this time; however, the Brown Act (Open Meeting Law) does not allow action by Councilmembers. If you wish to address the Council, please complete a speaker card and give it to the city clerk. Individuals are limited to one appearance during this section.

### **Planning a presentation for a City Council/Planning Commission meeting?**

To assist you in utilizing the technology available in the Council Chambers, the publication "*How to Make Your Council Chambers Presentation More Effective*" may be helpful. Copies are available on the tables located at the back of the Council Chambers prior to scheduled City Council and Planning Commission meetings. You may also pick up a copy at the Office of the City Clerk or visit the City's Web site at <http://sunnyvale.ca.gov>.

### **Planning to present materials to Council?**

If you wish to provide the City Council with copies of your presentation materials, **please provide 12 copies of the materials to the city clerk** (located to the left of the Council dais). The city clerk will distribute your items to the Council.

**SCHEDULED COUNCIL MEETINGS**

<b>DATE</b>	<b>MEETING</b>	<b>TIME</b>	<b>PLACE</b>
May 13, 2008	Council Meeting	7 p.m.	Council Chambers
May 23, 2008	City Manager's Recommended Budget Workshop	8:30 p.m.	Council Chambers
June 3, 2008	Council Meeting	7 p.m.	Council Chambers
June 10, 2008	Council Meeting	7 p.m.	Council Chambers
June 24, 2008	Council Meeting	7 p.m.	Council Chambers
July 15, 2008	Council Meeting	7 p.m.	Council Chambers
July 22, 2008	Council Meeting	7 p.m.	Council Chambers

**OTHER SCHEDULED MEETINGS**

May 14, 2008	Administrative Hearing	2 p.m.	West Conf. Room
May 15, 2008	Bicycle and Pedestrian Advisory Commission	6:30 p.m.	West Conf. Room
May 19, 2008	Personnel Board	5 p.m.	Council Chambers
May 21, 2008	Joint Arts Commission and Parks and Recreation Commission Study Session	6 p.m.	West Conf. Room
May 21, 2008	Joint Arts Commission and Parks and Recreation Commission	7 p.m.	Council Chambers
May 28, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room
May 28, 2008	Administrative Hearing	2 p.m.	West Conf. Room
June 9, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
June 9, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 11, 2008	Administrative Hearing	2 p.m.	West Conf. Room
June 11, 2008	Parks and Recreation Commission	7 p.m.	Council Chambers
June 18, 2008	Arts Commission	7 p.m.	Council Chambers
June 23, 2008	Planning Commission Study Session	7 p.m.	West Conf. Room
June 23, 2008	Planning Commission Public Hearing	8 p.m.	Council Chambers
June 25, 2008	Housing & Human Services Commission	7 p.m.	West Conf. Room

**CHANNEL 15 – KSUN**

May 13, 2008	City Council Meeting – Live	7 p.m.
May 14, 2008	City Council Meeting – Replay of May 13, 2008	7 p.m.
May 18, 2008	City Council Meeting – Replay of May 13, 2008	4 p.m.
May 23, 2008	City Council Meeting – Live	8:30 a.m.
May 24, 2008	City Council Meeting – Replay of City Manager's Recommended Budget Workshop on May 23, 2008	8:30 a.m.
May 28, 2008	City Council Meeting – Replay of City Manager's Recommended Budget Workshop on May 23, 2008	8:30 a.m.
June 3, 2008	City Council Meeting – Live	7 p.m.
June 4, 2008	City Council Meeting – Replay of June 3, 2008	7 p.m.
June 8, 2008	City Council Meeting – Replay of June 3, 2008	4 p.m.
June 10, 2008	City Council Meeting – Live	7 p.m.
June 11, 2008	City Council Meeting – Replay of June 10, 2008	7 p.m.
June 15, 2008	City Council Meeting – Replay of June 10, 2008	4 p.m.
June 24, 2008	City Council Meeting – Live	7 p.m.
June 25, 2008	City Council Meeting – Replay of June 24, 2008	7 p.m.
June 29, 2008	City Council Meeting – Replay of June 24, 2008	4 p.m.
July 15, 2008	City Council Meeting – Live	7 p.m.
July 16, 2008	City Council Meeting – Replay of July 15, 2008	7 p.m.
July 20, 2008	City Council Meeting – Replay of July 15, 2008	4 p.m.
July 22, 2008	City Council Meeting – Live	7 p.m.
July 23, 2008	City Council Meeting – Replay of July 22, 2008	7 p.m.
July 27, 2008	City Council Meeting – Replay of July 22, 2008	4 p.m.